

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MACK BUTLER,

Plaintiff,

ORDER

11-CV-3470(JS)(ARL)

-against-

JOHN DOE'S of EAST END TASK FORCE,
Suffolk County Fifth Precinct,
Patchogue, New York; Individually
and in their Official Capacities,

Defendants.

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APPEARANCES:

For Plaintiff: Mack Butler, Pro Se
217709
Suffolk County Correctional Facility
100 Center Drive
Riverhead, New York 11901

For Defendants: No Appearances

SEYBERT, District Judge:

On July 19, 2011 incarcerated pro se plaintiff Mack Butler ("Plaintiff") filed his Complaint alleging violation of his civil rights pursuant to 42 U.S.C. § 1983 accompanied by an application to proceed in forma pauperis. Upon review of Plaintiff's declaration in support of the application, the Court finds that Plaintiff's financial status qualifies him to file this action without prepayment of the filing fee. See 28 U.S.C. § 1915(a)(1). Accordingly, the application to proceed in forma pauperis is granted.

However, it is not possible for the United States Marshals Service ("USMS") to serve the defendants who are

identified only as "John Doe's of East End Task Force." The Second Circuit has held that district courts must provide incarcerated pro se litigants with reasonable assistance in investigating the identity of "John Doe" police officers. See Valentin v. Dinkins, 121 F.3d 72 (2d Cir. 1997)(per curiam). Accordingly, the Court orders: (a) that the Clerk of the Court mail a copy of this Order and the Complaint to the Suffolk County Attorney; and (b) that within (30) days of being served with this Order, the Suffolk County Attorney's Office shall attempt to ascertain the full names and badge numbers of the unidentified Defendants who participated in the incident alleged in the Complaint to have occurred "on about January 7, 2011" (Compl. at ¶ IV) and provide that information and the address(es) to the Court where each such Defendant can be served. Once the Suffolk County Attorney's Office provides this information to the Court, Plaintiff's Complaint shall be deemed amended to reflect the full names of the "John Doe" Defendants, summonses shall issue, and the USMS shall serve those Defendants.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: August 12, 2011
Central Islip, New York